

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

Civil Action No. 05-11395-RCL

PATRICIA BERGEVINE,  
Plaintiff,

v.

PEASE & CURREN, INC, PEASE & CURREN  
MATERIALS, INC., FRANCIS H. CURREN, JR.,  
ROBERT H. PEASE, JR., FRANCIS H. CURREN,  
III A/K/A KIP CURREN AND MEREDITH A.  
CURREN.

Defendants.

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**PLAINTIFF'S MOTION FOR LEAVE OF COURT TO AMEND COMPLAINT**

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NOW COMES the Plaintiff Patricia Bergevine (the "Plaintiff") and, in accordance with Rule 15(d) of the Federal Rules of Civil Procedure, hereby seeks leave of Court to amend her Complaint and Demand for Jury Trial against the Defendants Pease & Curren, Inc., Pease & Curren Materials, Inc., Francis H. Curren, Jr., Robert H. Pease, Jr., Francis H. Curren, III A/K/A Kip Curren and Meredith A. Curren (the "Defendants"). As set forth in the First Amended Complaint attached to Plaintiff's Memorandum in Support of this Motion at *Exhibit A*, amendment of the complaint with regard to the claims for relief under Rule 15(d) is necessary if complete relief is to be granted. Specifically, the Plaintiff wishes to add a new claim for relief against the Defendants for violations of Mass. Gen. Laws ch. 93A, *et. seq.*

**STATEMENT OF COMPLIANCE**

The Plaintiff hereby certifies that counsel for the Plaintiff has consulted with counsel for the Defendants via telephone pursuant to LR, D.MASS. 7.1(A). Counsel for the Defendants

have indicated that they oppose this Motion.

### **REQUEST FOR ORAL ARGUMENT**

Pursuant to LR, D.Mass. 7.1(D), the Plaintiff respectfully requests a hearing on the matter.

### **CONCLUSION**

Based on the foregoing, the Plaintiff respectfully requests that this Honorable Court allow her Motion to Amend the Complaint.

Respectfully submitted,  
PATRICIA BERGEVINE,  
By her attorneys,

/s/ Gregory J. Aceto, Esq.  
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**Certificate of Service**

I hereby certify that on April 24, 2006, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to all counsel of record in the matter via e-mail.

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Attorney for Plaintiff Patricia Bergevine